

New Delhi, June 16, 2016

Court orders prosecution of Unitech for cheating

- [Nirnimesh Kumar](#)

Observing that the respondents — real estate company Unitech and its managing directors and directors — were “having guilty intention to cheat the petitioner from the very beginning of the transaction,” a Delhi court has ordered their prosecution for cheating a flat buyer.

Additional Sessions Judge Sandeep Yadav ordered their prosecution on a revision petition by the flat buyer, Paramvir Singh Narang of Gurgaon, against an order by the Additional Chief Metropolitan Magistrate (ACMM) of the Saket District courts. The ACMM had dismissed his complaint, stating that it was a civil dispute.

The petitioner had booked a flat in Unitech’s project ‘Unitech Cascades’ at Greater Noida for Rs. 40.83 lakh in 2006. He alleged that the representatives of the accused had lured him to opt for a cash down plan promising that possession of the apartment would be given by April 2008.

Accordingly, the complainant paid the company Rs. 39.7 lakh in June 2006. Thereafter, in July 2007, the petitioner received a letter from the company that the flat would be handed over to him in the fourth quarter of 2008.

The accused, however, failed to give the possession of the flat. Thereafter, Mr. Narang filed a complaint in the ACMM court.

“It is clear from the averment of complainant and his testimony that the respondents have neither handed over possession of the apartment to the petitioner...nor have refunded the amount with interest (as per the agreement). In fact, legal notice issued by the petitioner... went unheeded. Therefore, a clear case of cheating is made out as the respondents cheated the complainant and dishonestly induced him to pay Rs. 39.7 lakh to them on the promise of handing over the possession of the apartment,” Mr. Yadav said. The company in the agreement had promised that in case it was not in a position to offer the apartment, it would offer the buyer an alternative property or refund the amount in full with interest at the rate of 10 per cent per annum.

“Trial court is directed to proceed against the respondents under Section 420 (cheating) of the IPC. The petitioner is directed to appear before the trial court on July 4,” the Judge further said.
